

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3718 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAHENDRABHAI D PATEL

Versus

INCHARGE DIRECTOR OF CAMPUS

Appearance:

MR NAGESH C SOOD for Petitioner

MR NV ANJARIA for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/07/97

ORAL JUDGEMENT

Rule returnable today. Learned advocate Mr. N. V. Anjaria appears and waives service of rule on behalf of the respondents. Learned advocate Mr. Anjaria states that in view of the incident that occurred in January, 1997, petitioner's residence within the campus is not

desirable. He, however, states that if the petitioner chooses to arrange for residential accommodation outside the campus premises, he can be continued in service at Anand. In view of the above statement, learned advocate Mr. Sood appearing for the petitioner, on instructions from the petitioner who is present in the Court, states that the petitioner will arrange residential accommodation outside the campus premises but he should need some time for making such arrangement.

2. In view of the above statements made on behalf of the parties to this petition, the impugned order of transfer dated 5th May, 1997 annexure-"B" to the petition so far as it relates to the present petitioner is quashed and set aside. It is directed that the petitioner be continued as Technical Assistant at Anand on condition that the petitioner shall vacate the residential quarter allocated to him within the campus premises on or before 15th September, 1997. Further, the petitioner shall not permit his son Shailesh either to reside with him or to visit him at the campus premises in accordance with the undertaking given to this Court on 9th May, 1997.

3. Petition is allowed accordingly. Rule is made absolute to the aforesaid extent. Parties shall bear their their own costs.

*Vyas